

# **Exhibit 1**

# MOTLEY RICE

ATTORNEYS  
AT LAW  
LLC

June 3, 2004

VIA FACSIMILE & REGULAR MAIL

Ashraf W. Nubani, Esquire  
BUSCH & NUBANI, P.C.  
5029 Backlick Road  
Suite A  
Annandale, VA 22003

Re: *Burnett, et al. vs. Al Baraka, et al.*  
Defendant: Sulaiman Al-Ali

Dear Mr. Nubani:

In my letter to you of June 1, 2004, I discussed the Rule 12(e) procedure which has been adopted for this litigation as it relates to your client, the Islamic Assembly of North America. Please let me know your position as soon as possible.

I write to address one of your other clients in a similar situation. In preparing our response to Defendant Sulaiman Al-Ali's motion to dismiss, we see that the allegations against him in the Third Amended Complaint are similar to those against defendant Soliman Khudeira. In denying Khudeira's motion to dismiss in his July 25, 2003, opinion, Judge Robertson held that: "Khudeira may make a Rule 12(e) request for more definite statement and may, upon receiving a response, renew his motion to dismiss." Defendant Sulaiman Al-Ali is in a similar position as was Khudeira, and, we believe, the outcome of Al-Ali's Motion to Dismiss would be the same at this time. In order to streamline the process in an effort to avoid duplicitous briefing, or the need for a sur-reply, we propose that you withdraw Al-Ali's motion to dismiss at this time and, instead, agree to a Consent Motion for More Definite Statement pursuant to Rule

Ashraf W. Nubani, Esquire  
BUSCH & NUBANI, P.C.  
June 3, 2003  
Page 2

12(e). Plaintiffs will, instead of filing their response to Al-Ali's Motion to Dismiss, submit a More Definite Statement, setting out additional specific allegations against Al-Ali. Upon receipt of this More Definite Statement, Al-Ali would be able to renew or file an amended motion to dismiss which Plaintiffs would then respond to.

Should you decide not to withdraw the current motion to dismiss, we believe it is incumbent upon us to file a Rule 12(e) More Definite Statement in conjunction with our response to Al-Ali's motion to dismiss. Please let me know how you want to proceed.

Yours truly,

A handwritten signature in black ink, appearing to read "JWF", followed by a long horizontal flourish.

Jodi Westbrook Flowers

JWF/crh